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OFFICE OF PETITIONS

In re Application of :
Dennis France, et al. :
Application No. 10/035,301 :
Filed: October 25, 2001 :
Attorney Docket No. CASE 4-30944A :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed December 23, 2003, which is being treated as a petition to withdraw the holding of abandonment for the reason stated below.

The petition is **GRANTED**.

Petitioner asserts that the Notice to File Missing Parts (Notice), which was allegedly mailed on January 30, 2002, was never received. While the application file jacket contains an entry of the Notice, the actual Notice is not located in the application file. Therefore, it cannot be reasonably concluded that the Notice was, in fact, mailed to applicant.

The petition fee of \$110 will be credited to petitioner's deposit account in due course.

The application file is being forwarded to the Office of Initial Patent Examination for remailing the Notice to File Missing Parts.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-3475.

Marianne E. Morgan
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Examination Policy